

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DENIS MARC AUDET, MICHAEL
PFEIFFER, DEAN ALLEN SHINNERS,
and JASON VARGAS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

HOMERO JOSHUA GARZA, STUART
A. FRASER, GAW MINERS, LLC, and
ZENMINER, LLC, (d/b/a ZEN CLOUD),

Defendants.

No. 3:16-cv-00940-MPS

August 12, 2016

**MOTION FOR CLASS CERTIFICATION AND STAY AND SUPPORTING
MEMORANDUM**

Plaintiffs hereby move for class certification pursuant to Fed. R. Civ. P. 23 and a stay of all briefing and other proceedings in connection therewith pending entry of a Scheduling Order setting a schedule for all briefing and other proceedings concerning class certification. Plaintiffs make this Motion solely for the purpose of avoiding any dispute over whether this case would become moot in the event Defendant files an offer of judgment pursuant to Fed. R. Civ. P. 68. *See, e.g., Mey v. Frontier Communications Corp.*, Case No. 3:13-CV- 1191 (MPS), Ruling on Defendant's Motion to Dismiss (D. Conn. November 18, 2014).

DATED: August 12, 2016

Respectfully submitted,

PLAINTIFFS

\s\ Mark P. Kindall

Mark P. Kindall (ct13797)

E-mail: mkindall@ikrlaw.com

Robert A. Izard

E-mail: rizard@ikrlaw.com

IZARD, KINDALL & RAABE, LLP

29 S. Main St., Suite 305

West Hartford, CT 06107

Tel: (860) 493-6292

Fax: (860) 493-6290

Marc Seltzer (pro hac vice to be filed)

E-mail: mseltzer@susmangodfrey.com

California Bar No. 54534

Kathryn Hoek (pro hac vice to be filed)

E-mail: khoek@susmangodfrey.com

California Bar No. 219247

SUSMAN GODFREY L.L.P.

1901 Avenue of the Stars, Suite 950

Los Angeles, CA 90067

Tel: (310) 789-3100

Fax: (310) 789-3150

Seth Ard (pro hac vice to be filed)

E-mail: sard@susmangodfrey.com

New York Bar No. 4773982

SUSMAN GODFREY L.L.P.

1301 Avenue of the Americas, 32nd Floor

New York, NY 10019-6022

Tel: (212) 336-8330

Fax: (212) 336-8340

Matthew Allen (pro hac vice to be filed)

E-mail: mallen@susmangodfrey.com

Texas Bar No. 24073841

SUSMAN GODFREY L.L.P.

1000 Louisiana Street, Suite 5100

Houston, TX 77002

Tel: (713) 651-9366

Fax: (713) 654-3367

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2016, a copy of the foregoing was filed electronically with the Court's ECF system. Notice of this filing will be served upon all counsel of record by operation of the Court's ECF system.

/s/ Mark P. Kindall
Mark P. Kindall